

TERM OF COMMISSION: March Session of the February Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Shawna Victor

The meeting was called to order at 9:34 a.m. by Commissioner Elkin.

Subject: Purchasing Department

Marlene Ridgeway, Purchasing Department Buyer, was present on behalf of these items.

A. Second Reading and Award of Bid 08-19FEB02 (Carr Lane)

Marlene Ridgeway stated this is a recommendation for award to C. L. Richardson for a contract amount of \$59,419.80.

Commissioner Miller moved to award bid 08-19FEB02 for Carr Lane Culvert Replacement project to C. L. Richardson Construction.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 as follows: Commissioner Stamper – Absent for Vote, Commissioner Elkin – Yes, Commissioner Miller – Yes. **Order 136-2002**

B. Change Order #1 to Bid 72-26DEC01 (Service Utility Trucks)

Marlene Ridgeway stated the Boone County Commission approved award of this contract to Tom Boland Ford on February 28, 2002 for \$109,481.00 (CO#95-2002). Purchasing met with Tom Boland Ford Fleet Manager Ralph Horn on March 13, 2002. It was determined that the Purchasing Agreement price did not actually agree with the total of the items detailed in the bid submitted by Tom Boland Ford and Knapheide Truck Equipment Center.

Purchasing prepared a Change Order to Contract Agreement Number 72-26DEC01. Due to the time remaining for ordering 2002 trucks, Commissioner Miller agreed to sign the Change Order.

As detailed on the Change Order, the total contract award to Tom Boland is \$106,983.00

to be paid out of department 2040 account 92400.

Commissioner Miller stated the company was afraid if the trucks were not ordered then the County will not receive the quoted price for the 2002 vehicles. She was unable to get in touch with Commissioner Stamper or Commissioner Elkin at the time to verify so she called John Patton, County Counsel, and he informed her to sign the Change Order and ratify it in Commission.

Commissioner Miller moved to ratify Change Order #1 for signature by Karen M. Miller, District I Commissioner, for bid 72-26DEC01 for Service Utility Trucks.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 137-2002**

Subject: Sheriff’s Department

A. Second Reading and Public Hearing of Budget Amendment (Grant Reimbursement for Overtime in 2001)

Commissioner Stamper moved to approve the following budget amendment:

Department Account and Title	Amount Increase
1251-10110: Sheriff (Overtime)	\$9,431.00
1251-03411: Federal Grant Reimbursement (Sobriety Checkpoint – DWI Checkpoint)	\$2,261.00
1251-03411: Federal Grant Reimbursement (Hazardous Moving Violation – Operation Slowdown)	\$6,351.00
1251-03411: Federal Grant Reimbursement (Operation Cash Crop)	\$1,035.00

Said budget amendment is to amend budget to account for overtime expense reimbursed by grants in 2001.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 138-2002**

B. Second Reading and Public Hearing of Budget Amendment (MU Football

Security for 2001)

Commissioner Stamper moved to approve the following budget amendment:

Department Account and Title	Amount Increase
1251-03528: Sheriff (Reimburse Personnel/Projects)	\$14,280.00
1251-10100: Sheriff (Salaries and Wages)	\$14,280.00

Said budget amendment is to amend revenue and expenditures to account for MU football security contract.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 139-2002**

C. Second Reading and Public Hearing of Budget Amendment (Purchase of Police Dog for 2002)

Commissioner Stamper moved to approve the following budget amendment:

Department Account and Title	Amount Increase
2523-03880: Contribution from Columbia Cosmopolitan Luncheon Club	\$8,500.00
2523-92300: Replacement for Police Dog	\$9,000.00

Said budget amendment is to amend budget for purchase of police dog. Funds were donated by the Columbia Cosmopolitan Luncheon Club.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 140-2002**

Subject: Planning and Building Inspection

Stan Shawver, Planning and Building Inspections Director, was present on behalf of these items.

A. Second Reading and Approval of Road Naming (Richland Lane and Osage Ridge Lane)

Commissioner Miller asked when a privately unnamed roadway, is it requested that the landowners put up a sign. Stan Shawver stated it is requested but most of the signs are ordered by Public Works.

Commissioner Miller stated this is a policy the County is working on and suggested that Mr. Shawver work with David Mink, Public Works Director, on this issue. She suggested maybe in the policy there should be some wording to have a down payment before the Commission goes through this process.

Mr. Shawver stated as he recalls when the County first adopted the policy on renaming road, it was required that the property owners pay for a sign.

Commissioner Elkin asked if Ryland Rodes had any comments on a road already named Osage Ridge Lane. Mr. Shawver stated there is a road named Osage Lane. They did go back to Joint Communications to double-check with them and they said there was no problems.

Commissioner Elkin moved to approve the request to name to unnamed roadways, that are currently privately owned and maintained to Richland Lane and Osage Ridge Lane, as described in the documentation.

Commissioner Miller seconded the motion.

Commissioner Miller asked once the road is named if the post office is contacted. Mr. Shawver stated it is sent to the post office and Joint Communications to reconfirm the name. Commissioner Miller suggested having the signs posted before notification is sent to the post office and Joint Communications.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 141-2002**

B. First Reading of Proposed Fee Increases

Mr. Shawver stated during budget hearing, there was discussion about Planning Department fees have not been changed since 1991. He has worked with June Pitchford, Boone County Auditor, to review different methods for the fee increases. Upon their review, they recommend to the Commission all permit fees be increased and building permit fees to be based on a type of construction factor. This is a step away from past fee schedules, where fees were based on a flat square foot rate. The type of construction factor takes into account the building use, type of material being used, the complexity of the structure are all taken into consideration. The majority of the structures that are built are residential and they have a lower fee calculation than a school, church, or factory

would have.

Commissioner Miller stated this would also take into account pole barns and they would have a lower fee. Mr. Shawver stated it is recommended that pole barns have a reduction in the current fee, which is five cents per square foot. There would be no change in a modular home on a foundation or mobile home because they do not do a lot of inspections for those structures.

The department is also proposing a re-inspection fee be established. This would not be used as a punishment but would be judiciously used. It is not his intent to charge for the first re-inspection. If there is a current situation where they have been to the same place four or five times and the builder has not made any changes. Mr. Shawver believes a situation like this would be the appropriate time to charge re-inspection fees.

Commissioner Miller asked if there would be no charge on the first re-inspection but would charge fees after that. Mr. Shawver stated the re-inspection fees would be applied when the builder has not done what the department has asked them to do or correct. Commissioner Miller's only concern would be this would be arbitrary. Mr. Shawver believes all re-inspection fees would have to be approved by him.

Commissioner Elkin stated the new fee schedule makes sense because previously all fees were the same.

Mr. Shawver stated this is a first reading and believes the second reading has been set for March 26, 2002. There will need to be a certain amount of lead-time before the new fee schedule takes place. Mr. Shawver suggests a minimum of 30 to 45 days. Commissioner Miller stated she did not see any reason for having anymore than a 30-day waiting period.

This proposed fee schedule will be sent to the builders and developers in the community.

There was no public comment on this issue.

Commissioner Elkin suggested the fee schedule be effective May 1, 2002. Commissioner Miller agreed with this suggestion.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next Planning and Zoning Meeting on Tuesday April 2, 2002 with an appropriate order to adopt the fee schedule.

**Subject: Information Technology – First Reading of Acceptable Use Policy
(Computer Services)**

Michael Mallicoat, Information Technology Director, was present on behalf of this item.

Michael Mallicoat stated upon unanimous recommendation and approval by the Information Technology Advisory Committee and on behalf of ITAC, Mr. Mallicoat is presenting the Acceptable Use Policy – Computer Services for Commission Approval. This new policy applies to all employees who are users of any of the County's computer services, and replaces the current e-mail policy in the Personnel Policy Manual.

The adoption of this policy includes:

- The requirement for all users of Boone County computer services to sign the User Agreement, verifying their understanding and compliance with the policy. Users will forward their signed agreement to the Security Administrator in the Information Technology Department, where a central file will be kept.
- All employees will file their copy of the policy along with the Personnel Policy Manual.
- The Personnel Policy Manual will be revised to include this Acceptable Use Policy

An implementation plan will be announced within the next couple of months to cover more specific detailed procedures and timing.

Commissioner Miller asked about the implementation of this policy in the next couple of months, this is to complete the security system. Mr. Mallicoat stated this was correct and they would be working with each office and department to make sure all software is covered under agreements.

Commissioner Stamper asked about the process and how it will work when the IT Department samples e-mail files to see if there are any inappropriate uses. Will this be based on complaints or a random search. Mr. Mallicoat stated there are logs the system keeps track of all Internet usage. The way this policy is written, the department will not actively view the logs unless the administrative authority and Human Resources have requested to make the request would the department research any cases.

Commissioner Stamper asked Mr. Mallicoat to elaborate how this would work. Commissioner Miller gave the example of an employee in the Commission office that the Commissioners felt was inappropriate, it was discussed with the employee and they did not comply, it would give the Commissioners the authority to go the Mr. Mallicoat, including Human Resources so if there is an employee issue, to review the log on a specific computer. It would then be able to give the administrative authority the information for them to make a determination if there is a problem. The IT Department will not be the e-mail police and this was one of the biggest concerns.

Commissioner Stamper stated the elected official or administrative authority would still be responsible for the decision to investigate the situation and what action should be taken if there is a problem found. This is not the way the policy reads but gives the IT Department the authority to make punitive decisions. Under Information Technology Department

Responsibilities, page five of the policy about the department ordering the deinstallation, review and approval of software. Commissioner Miller stated this is about software that is not licensed by the County.

Commissioner Miller stated one of the reasons for this policy is because of software that is not licensed by the County and the viruses the County system had after the September 11 attacks. A lot of this had to do with Internet usage and e-mails going outside of the system.

Commissioner Stamper gave an example on auditing, the department is given the authorization to audit all software. "Anytime unauthorized software is found installed, the Information Technology Department has the authority to immediately remove the unauthorized software and/or disable the user's access to any or all computer services," Acceptable Use Policy – Computer Services (p. 5). He believes this is a broad statement. Commissioner Miller stated this applies to unlicensed software. Commissioner Stamper stated when the wording is added "disable the user's access to any or all computer services," this is a broad statement and is beyond the scope of removing the software as he reads this policy. He believes this goal of this policy was good in giving responsibility to the administrative authority but the way the policy reads, authority is given to this department that does not require administrative authority approval.

Mr. Mallicoat stated the concern here is if there is unauthorized software on a desktop, that will expose the entire County's network to possible viruses. They thought it would be in the best interest of the County to immediately shut down that desktop. These should be very rare cases but they believed this would be the only way to effectively deal with this type of situation.

Commissioner Stamper he understands this but when "any or all" is added to the language the policy changes. This is a license to allow the department to do what they please.

Commissioner Miller asked Commissioner Stamper if he wanted to strike "any or all". Commissioner Stamper stated he is questioning it and he is not proposing to strike anything. He is questioning the motive. Commissioner Stamper told Mr. Mallicoat that whether he likes it or not, he's assuming the position of big brother. In doing so, this document is latent with language that gives the department authority, even though it conflicting with language that assumes administrative level authority. There are many places in the policy where administrative authority is given but the department reserves the right to take its own action.

Commissioner Miller stated if there is an administrative authority that is not dealing with the problem, there has to be some recourse. The Commission is the controlling body of the IT Department.

Commissioner Stamper stated the Commission has very little influence in this area, it is

handled by ITAC. Commissioner Miller stated ITAC is advisory to the Commission.

Commissioner Stamper asked how often does the Commission change anything and believes the Commission's direct influence is small. Commissioner Miller stated that Mr. Mallicoat works for the Commission.

Commissioner Stamper asked Mr. Mallicoat about outside confidentiality, the concern the user might have for having their files audited and that information getting outside of the department, meaning the press runs a story about a County employee and their files on their computer. He wants to know where the balance of confidentiality expressed in the policy. Mr. Mallicoat stated he does not believe there is any specific language in the policy about this.

Commissioner Stamper asked if there should be any changes in the language. Commissioner Miller stated she did not see this as a concern. Commissioner Stamper stated these audits would be held under open record and anyone can access the information.

Commissioner Stamper asked if ITAC would watch the IT Department. If something goes astray and IT begins doing things that might or might not be under the discretion of the administrative authority, who would know this. Commissioner Miller stated at 3C meeting the information would be presented to the Commissioners before any action takes place.

Commissioner Stamper stated there is some wording in this policy that concern him. He believes it is okay to move a desktop workstation to another location without IT Department knowing about it but the wording is without direct approval of the IT Department, implying that it cannot be done unless the department agrees to it.

Commissioner Miller stated if everything is in a series and a piece is moved out of sequence in the series then the whole office is effected, she stated shouldn't the IT Department know about it. Commissioner Stamper stated he believes they should know about it but he does not believe the department should have direct approval.

Commissioner Miller stated ITAC has worked on this policy for six months, ITAC has gone through the policy line by line and they approved of the policy 100%.

There was no further discussion.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

Subject: First Reading of Draft Request for Proposal for Boone County Fairgrounds

Commissioner Elkin stated he received some comments from Commissioner Miller in reference to the management of the facilities, including management outside the footprint of the proposed ice facility. He has reworded the scope dealing with the management of the facility. Commissioner Miller stated this resolves her concerns.

Commissioner Elkin noted one other change that has been made is instead of calling for actual rink size he changed it to a generic size. In Section 3.3.3, under narrative, there is more wording about management structure.

Commissioner Stamper asked if Commissioner Elkin has discussed this with Tom Schauwecker, Boone County Assessor, about the lease being a tax-hold interest lease. Commissioner Elkin stated he has spoken with Mr. Schauwecker and he said there may be a tax-hold lease liability, Mr. Schauwecker would not say yes or no.

Commissioner Stamper asked Commissioner Elkin what his intended time was for this RFP to hit the streets. Commissioner Elkin stated he would like for it to be out by a week from tomorrow, March 27. He would like for there to be a 30-day open period and then a two-week selection process.

Last week, Commissioner Elkin suggested forming a selection committee to evaluate each proposal.

Commissioner Stamper noted the documents do not reflect the timeline he just mentioned. Commissioner Elkin stated the timeline would be corrected in the RFP that will be approved.

Commissioner Elkin asked if it was the consensus of the Commission to have a selection committee. Commissioner Stamper stated he believed that it is consensus there would be a selection committee but this would not have to be done today it can be done after it is actually out.

Commissioner Miller thought it was a good idea to identify the evaluation process.

Commissioner Elkin stated he kept the RFP as simple as possible not to limit creativity of potential investors.

Commissioner Miller wanted to know how this would get to the correct people, she knows he does have a list but wanted to know how others would be notified. Commissioner Elkin stated he did not know of any other publications except for a Parks and Recreation Trade magazine. Commissioner Miller stated she was thinking along the lines of arena associations.

There was no further discussion on this issue and no public comment.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting, which will be in one week from today on March 26, with an appropriate order approval.

Subject: Second Reading and Public Hearing of Budget Amendment for Jail/Courthouse Expansion/Renovation and Approve Consultant Services Agreement

Commissioner Stamper moved to approve the following budget amendment:

Department Account and Title	Amount Increase
4000-71101: Jail/Courthouse Expansion/Renovation (Professional Services)	\$5,000.00
400-71231: Jail/Courthouse Expansion/Renovation (Owner Costs – for reimbursable expenses)	\$600.00

Said budget amendment is to establish a budget for architectural services. The County Commission of the County of Boone does hereby approve the Consultant Services Agreement with HMN Architects, Inc.

Commissioner Elkin seconded the motion.

Commissioner Stamper stated this is a continuation of work to look at the needs at the Courthouse and Jail. The County has worked with this consulting firm in the past.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 142-2002**

Subject: Reappointment to Boone County Senior Board

Commissioner Stamper moved to reappoint Ann Gowans to the Boone County Senior Board for a term that will expire on February 21, 2006.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 143-2002**

There were no Commissioner Reports.

Commissioner Stamper noted that he received an e-mail from a County employee who is willing to donate their paid leave to another employee who is critically ill. He has discussed this issue with Mr. Patton and has responded with an e-mail. Mr. Patton has written to Commissioner Stamper that the grant or denial of paid sick leave is discretionary with the employer and is not regulated.

Commissioner Stamper stated this employee has made this request once in the past for other circumstances about 10 years ago. Mr. Patton has suggested a request like this should be referred to the Personnel Advisory Committee.

It was the consensus of the Commission to refer this request to PAC.

Commissioner Miller stated this is a liability either way, whether the employee that has the leave uses it or not.

There was no public comment.

The meeting was adjourned at 10:13 a.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner